



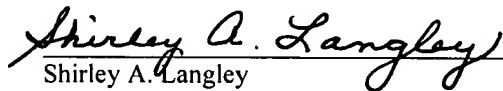
Attorney Docket No. 470AM [2681.3083.001]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Mark R. Johansen**
Serial No. 09/606,702
Filed: June 29, 2000
For: **Multiple Layer Polymeric Cap and
Method of Making the Same**
Group Art Unit: 3727
Examiner: Niki Marina Eloshway
In reply to: Notification of Non-Compliant Appeal Brief of 10/03/2007

Certificate of Mailing

Date of Deposit with U.S. Postal Service **NOVEMBER 1, 2007**. I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Shirley A. Langley

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

**APPEAL BRIEF FURTHER SUMMARY
OF CLAIMED SUBJECT MATTER**

The claimed subject matter is further identified and mapped for each of independent claims 23 and 32 by specification page (P.) and line number (l.), drawings (Fig.) and reference numbers (Rn.) as follows:

Claim 23

A method of forming a fuel container (P. 4, l. 5; Fig. 1, Rn. 10) with an opening (P. 7, l. 12; Fig. 3, Rn. 54) and a cap (P. 7, l. 15; Fig. 3, Rn. 50) sealing the opening, (P. 4, l. 5; Fig. 1, Rn. 10) comprising the steps of:

providing a pair of mold halves (P. 5, l. 16-18; Fig. 2, Rn. 30, 32) defining a first mold cavity (P. 5, l. 19; Fig. 2, Rn. 34) to form and define the shape of a container (P. 5, l. 19-20; Fig. 2, Rn. 10) from a parison by blow molding (P. 5, l. 16-P. 6, l. 4; Fig. 2) and adjacent the first cavity a second cavity (P. 6, l. 17; Figs. 2, 6 & 7 Rn. 39, 39', 39'') to form at least one cap (P. 7, l. 10; Fig. 3, Rn. 50) in a flash section (P. 7, l. 8-14; Figs. 1, 2, Rn. 36) from the parison by compression molding;

providing a parison with a hydrocarbon fuel vapor barrier layer (P. 4, l. 17; Figs. 4, 5, Rn. 16) of a polymeric material disposed between inner and outer layers (P. 4, l. 15-18; Figs. 4, 5, Rn. 12, 14) of a different polymeric material which is heat weldable (P. 3, l. 2-3; P. 7, l. 15-19);

closing the mold halves together to receive and compress a portion of the parison between them forming at least one flash section (P. 6, l. 5-13; Figs. 1 & 2, Rn. 36) in the region of the second cavity (P. 6, l. 17; Figs. 2, 6 & 7, Rn. 39, 39', 39'') and at least one cap (P. 7, l. 10; Fig. 3, Rn. 50) in the second cavity in the flash section by compression molding (P. 7, l. 10-16; P. 8, l. 3-9; Fig. 2, Rn. 36, 38, 39, 42);

providing a pressurizing fluid into the parison within the closed mold halves (Fig. 2, Rn. 30, 32) to expand the parison within the first mold cavity (Fig. 2, Rn. 34) to form

the entire container (Figs. 1 & 2, Rn. 10) and define the shape of the container by blow molding (P. 5, l. 16-P. 6, l. 4; P. 4, l. 9-11; Fig. 2, Rn. 30, 32, 34, 10);

forming an opening through the container (P. 7, l. 12-14; Fig. 3, Rn. 54) at a location spaced from the cap (Figs. 1 & 2, Rn. 40, 42, 44);

before filling the container, separating (Fig. 1, Rn. 52) the cap (Fig. 1, Rn. 40) from the flash section (P. 7, l. 8-14; Figs. 1, 2, Rn. 40, 36, 52, 50);

before filling the container, disposing the cap (Fig. 3; Rn. 50) over the opening (P. 7, l. 8-19; Fig. 3, Rn. 54); and

before filling the container, heat welding the cap (Fig. 3; Rn. 50) to the container (Fig. 3, Rn. 10) circumferentially continuously (Fig. 3, Rn. 44) to permanently attach and seal the cap to the container to permanently close, seal and provide a fuel vapor barrier for the opening (P. 2, l. 9- P. 3, l. 5; P. 3, l. 14, 15; P. 7, l. 15-22; Fig. 3, Rn. 50, 44, 10, 54).

Claim 32

A method of forming a fuel container (P. 4, l. 5; Fig. 1, Rn. 10) with an opening (P. 7, l. 12; Fig. 3, Rn. 54) and a cap (P. 7, l. 15; Fig. 3, Rn. 50) sealing the opening (P. 4, l. 5; Fig. 1, Rn. 10), comprising the steps of:

providing a pair of mold halves (P. 5, l. 16-18; Fig. 2, Rn. 30, 32) defining a first mold cavity (P. 5, l. 19; Fig. 2, Rn. 34) to form and define the shape of a container (P. 5, l. 19-20; Fig. 2, Rn. 10) by blow molding (P. 5, l. 16-P. 6, l. 4; Fig. 2) and adjacent the first cavity a second cavity (P. 6, l. 17; Figs. 2, 6 & 7, Rn. 39, 39', 39''), to form at least one cap (P. 7, l. 10; Fig. 3, Rn. 50) in a flash section (P. 7, l. 8-14; Figs. 1, 2, Rn. 36) by compression molding;

providing a parison with at least one hydrocarbon fuel vapor barrier layer (P. 4, l. 17; Figs. 4, 5, Rn. 16) of a polymeric material disposed between inner and outer layers (P. 4, l. 15-18; Figs. 4, 5, Rn. 12, 14) of a different polymeric material which is heat weldable (P. 3, l. 2-3; P. 7, l. 15-19);

closing the mold halves together to receive and compress in the second cavity two overlapping portions of the parison between them forming at least one flash section (P. 6, l. 5-13; Figs. 1 & 2, Rn. 36) in the region of the second cavity (P. 6, l. 17; Figs. 2, 6 & 7, Rn. 39, 39', 39'') and at least one cap (P. 7, l. 10; Fig. 3, Rn. 50) in the flash section by compression molding (P. 7, l. 10-16; P. 8, l. 3-9; Fig. 2, Rn. 36, 38, 39, 42) with the cap having twice as many vapor barrier layers (Fig. 5, Rn. 16) as the vapor barrier layer(s) of the container (Fig. 4, Rn. 16) and two adjacent inner layers (Fig. 5, Rn. 12) of the different polymeric material adhered together (P. 7, l. 15-22; P. 8, l. 6-9; P. 6, l. 11-14; Fig. 5, Rn. 12, 16);

providing a pressurizing fluid into the parison within the closed mold halves (Fig. 2, Rn. 30, 32) to expand the parison within the first mold cavity (Fig. 2, Rn. 34) to form the entire container (Fig. 2, Rn. 10) and define the shape of the container by blow molding (P. 5, l. 16-P. 6, l. 4; P. 4, l. 9-11; Fig. 2, Rn 30, 32, 34, 10);

forming an opening through the container (P. 7, l. 12-14; Fig. 3, Rn. 54) at a location spaced from the cap (Figs. 1 & 2, Rn. 40, 42, 44);

before filling the container, separating (Fig. 1, Rn. 52) the cap (Fig. 1, Rn. 40) from the flash section (P. 7, l. 8-14; Figs. 1, 2, Rn. 40, 36, 52, 50);

before filling the container, disposing the cap (Fig. 3, Rn. 50) over the opening; (P. 7, l. 8-19; Fig. 3, Rn. 54) and

before filling the container, heat welding the cap (Fig. 3, Rn. 50) to the container (Fig. 3, Rn. 10) circumferentially continuously (Fig. 3, Rn. 44) to permanently attach and seal the cap to the container (Fig. 3, Rn. 50, 54) to permanently close, seal and provide a fuel vapor barrier for the opening (P. 2, l. 9-P. 3, l. 5; P. 3, l. 14-15; P. 7, l. 15-22; Fig. 3, Rn. 50, 44, 10, 54).

Each of independent claims 23 and 32 is also fully supported by originally filed method claims 10/11/12; 1/2/3; 1/4; and 1/5, and fuel tank claim 6/7/8.

REMARKS


The foregoing summary of the claimed subject matter of each appealed claim 23 and 32 is submitted in response to the Notification of Non-Compliant Appeal Brief mailed on October 3, 2007 and its accompanying Order of September 27, 2007 Returning Undocketed Appeal to the Examiner. This response is believed to make this matter ready for docketing as an appeal and such action is respectfully requested.

Respectfully submitted,

Reising, Ethington, Barnes, Kisselle, P.C.

WHF:sal

By

A handwritten signature in black ink, appearing to read "William H. Francis", written over a horizontal line.

Attorneys for Appellant

William H. Francis #25,335

P. O. Box 4390, Troy, Mi 48099-4390

Telephone (248) 689-3500, Ext. 153

Facsimile (248) 689-4071